

SPONSOR'S REBUTTAL TO FISCAL NOTE

Bill Number: SB 58

Date Prepared: February 8, 2011

Short Title: Lengthen time DNA evidence must be preserved in certain cases

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Fiscal Note Version and Date: Version 2 2/7/11

Generally, why do you disagree with the fiscal note?

SB 58 includes provisions that will mitigate storage costs of biological evidence by law enforcement agencies. SB 58 was requested by the Interim Law and Justice Committee as a consensus bill that would specifically address the concerns of storage costs for biological evidence by enabling agencies to preserve a clipping or clippings from bulk items. SB 58 does not include any requirements for cataloging evidence or climate control in storage facilities and it establishes provisions for agencies to dispose of evidence.

Specifically, what in the fiscal note do you feel is flawed?

[Describe specific assumptions, calculations, technical issues, etc.]

Effect on County or local revenue or expenditures #3

Mitigating facts that offset the burden of the new requirement are:

1. Longer term preservation would only be required in cases where someone initiates a request AND the judge orders the preservation. Under current law, a judge can already order longer preservation. The new language makes it clear that individuals can request longer preservation in certain crimes.
2. In addition to existing language that allows departments to request early disposal of evidence, the bill adds the provision that departments do not need to keep bulk items if they keep small clippings.
3. The release processes allowing to dispose of evidence remains in statue and are enhanced by Section 1 (3)

What is your estimate of the fiscal impact?

It is recognized there will be costs; however, as stated previously, the intent of SB 58 is to mitigate those costs to local law enforcement agencies. In addition to the provisions in SB 58, the Montana Forensic Science Division State Crime Lab will be providing training on evidence collection for law enforcement agencies this spring.

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